

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Eastern Division – Riverside)
CIVIL DOCKET FOR CASE #: 5:22-cv-02085-AB-MAA

Edward Heymer v. Harley-Davidson Motor Company Group, LLC
Assigned to: Judge Andre Birotte Jr
Referred to: Magistrate Judge Maria A. Audero
Demand: \$5,000,000
Cause: 28:1332 Diversity-Fraud

Date Filed: 11/23/2022
Date Terminated: 02/10/2023
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Edward Heymer
on behalf of himself and all others similarly situated

represented by **Arthur Stock**
Milberg Coleman Bryson Phillips Grossman PLLC
800 South Gay Street, Suite 1100
Knoxville, TN 37929
267-973-4904
Fax: 865-522-0049
Email: astock@milberg.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth A. McKenna
Milberg Coleman Bryson Phillips Grossman PLLC
405 East 50th Street
New York, NY 10022
212-594-5300
Fax: 212-868-1229
Email: emckenna@milberg.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael A. Acciavatti
Milberg Coleman Bryson Phillips Grossman PLLC
405 East 50th Street
New York, NY 10022
212-594-5300
Fax: 212-868-1229
Email: macciavatti@milberg.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Peggy J. Wedgworth
Milberg Coleman Bryson Phillips Grossman LLP
405 East 50th Street
New York, NY 10022
212-594-5300
Fax: 212-868-1229
Email: pwedgworth@milberg.com

PRO HAC VICE
ATTORNEY TO BE NOTICED

Alex R. Straus
Milberg Coleman Bryson Phillips Grossman
PLLC
280 South Beverly Drive
Beverly Hills, CA 90212
917-471-1894
Fax: 310-496-3176
Email: astraus@milberg.com
ATTORNEY TO BE NOTICED

V.

Defendant

**Harley-Davidson Motor Company Group,
LLC**

represented by **Tamara A Bush**
Dykema Gossett LLP
444 South Flower Street Suite 2200
Los Angeles, CA 90071
213-457-1800
Fax: 213-457-1850
Email: tbush@dykema.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/23/2022	1	COMPLAINT Receipt No: BCACDC-34374679 – Fee: \$402, filed by Plaintiff Edward Heymer. (Attorney Alex R. Straus added to party Edward Heymer(pty:pla))(Straus, Alex) (Entered: 11/23/2022)
11/23/2022	2	CIVIL COVER SHEET filed by Plaintiff Edward Heymer. (Straus, Alex) (Entered: 11/23/2022)
11/23/2022	3	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) 1 filed by Plaintiff Edward Heymer. (Straus, Alex) (Entered: 11/23/2022)
11/29/2022	4	NOTICE OF ASSIGNMENT to District Judge Andre Birotte Jr and Magistrate Judge Maria A. Audero. (car) (Entered: 11/29/2022)
11/29/2022	5	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (car) (Entered: 11/29/2022)
11/29/2022	6	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (car) (Entered: 11/29/2022)
11/29/2022	7	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to Defendant Harley-Davidson Motor Company Group, LLC. (car) (Entered: 11/29/2022)
11/29/2022	8	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Arthur M. Stock. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of

this form and return it to the court at cacd_attyadm@cacd.uscourts.gov. You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 11/29/2022)

11/29/2022	<u>i</u> 9	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Elizabeth McKenna. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G–64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 11/29/2022)
11/29/2022	<u>i</u> 10	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Michael A Acciavatti. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G–64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 11/29/2022)
11/29/2022	<u>i</u> 11	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Peggy J Wedgworth. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G–64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 11/29/2022)
11/29/2022	<u>i</u> 12	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Complaint (Attorney Civil Case Opening) <u>1</u> . The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1–1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83–7. (car) (Entered: 11/29/2022)
11/29/2022	<u>i</u> 13	Certificate And Notice of Interested Parties filed by Plaintiff Edward Heymer, (Straus, Alex) (Entered: 11/29/2022)
11/30/2022	<u>i</u> 14	STANDING ORDER upon filing of the complaint by Judge Andre Birotte Jr. (cb) (Entered: 11/30/2022)
12/06/2022	<u>i</u> 15	First APPLICATION of Non–Resident Attorney Michael A. Acciavatti to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431403) filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order Proposed Order PHV–Acciavatti) (Straus, Alex) (Entered: 12/06/2022)
12/06/2022	<u>i</u> 16	First APPLICATION of Non–Resident Attorney Elizabeth A. McKenna to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431458) filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order Proposed Order PHV–McKenna) (Straus, Alex) (Entered: 12/06/2022)
12/06/2022	<u>i</u> 17	

		First APPLICATION of Non–Resident Attorney Peggy J. Wedgworth to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431487) filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order Proposed Order PHV–Wedgworth) (Straus, Alex) (Entered: 12/06/2022)
12/06/2022	<u>i</u> <u>18</u>	First APPLICATION of Non–Resident Attorney Arthur Stock to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431514) filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order Proposed Order PHV–Stock) (Straus, Alex) (Entered: 12/06/2022)
12/07/2022	<u>i</u> <u>19</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: First APPLICATION of Non–Resident Attorney Michael A. Acciavatti to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431403) <u>15</u> , First APPLICATION of Non–Resident Attorney Peggy J. Wedgworth to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431487) <u>17</u> , First APPLICATION of Non–Resident Attorney Elizabeth A. McKenna to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431458) <u>16</u> . The following error(s) was/were found: Case information is incomplete. DJ and MJ initials missing on application and proposed order. Please note DJ and MJ Notice of Assignment, dated 11/29/22, Dkt. 4. Proposed Order has not been flattened and is causing a corruption with the filing. (lt) (Entered: 12/07/2022)
12/07/2022	<u>i</u> <u>20</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: First APPLICATION of Non–Resident Attorney Arthur Stock to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431514) <u>18</u> . The following error(s) was/were found: Local Rule 83–2.1.3.3(d) Certificate of Good Standing not attached for every state court listed to which the applicant has been admitted. Case information is incomplete. DJ and MJ initials missing on application and proposed order. Please note DJ and MJ Notice of Assignment, dated 11/29/22, Dkt. 4. Proposed Order has not been flattened and is causing a corruption with the filing. Other error(s) with document(s): Declaration required for unavailability of good standing certificates due to Covid or other delays. See Coronavirus (COVID–19) Guidance. (lt) (Entered: 12/07/2022)
12/08/2022	<u>i</u> <u>21</u>	Amendment to First APPLICATION of Non–Resident Attorney Michael A. Acciavatti to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431403) <u>15</u> filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order ProposedOrder–PHV–Acciavatti)(Straus, Alex) (Entered: 12/08/2022)
12/08/2022	<u>i</u> <u>22</u>	Amendment to First APPLICATION of Non–Resident Attorney Elizabeth A. McKenna to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431458) <u>16</u> filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order ProposedOrder–PHV–McKenna)(Straus, Alex) (Entered: 12/08/2022)
12/08/2022	<u>i</u> <u>23</u>	Amendment to First APPLICATION of Non–Resident Attorney Arthur Stock to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431514) <u>18</u> filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order ProposedOrder–PHV–Stock, # <u>2</u> Declaration DeclarationReCOGS)(Straus, Alex) (Entered: 12/08/2022)
12/08/2022	<u>i</u> <u>24</u>	Amendment to First APPLICATION of Non–Resident Attorney Peggy J. Wedgworth to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–34431487) <u>17</u> filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order ProposedOrder–PHV–Wedgworth)(Straus, Alex) (Entered: 12/08/2022)
12/13/2022	<u>i</u> <u>25</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Michael A. Acciavatti to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer, designating Alex R.

		Straus as local counsel <u>15</u> . (gk) (Entered: 12/14/2022)
12/13/2022	<u>i</u> <u>26</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Elizabeth A. McKenna to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer, designating Alex R. Straus as local counsel <u>16</u> . (gk) (Entered: 12/14/2022)
12/13/2022	<u>i</u> <u>27</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Peggy J. Wedgworth to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer, designating Alex R. Straus as local counsel <u>17</u> . (gk) (Entered: 12/14/2022)
12/13/2022	<u>i</u> <u>28</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Arthur Stock to Appear Pro Hac Vice on behalf of Plaintiff Edward Heymer, designating Alex R. Straus as local counsel <u>18</u> . (gk) (Entered: 12/14/2022)
12/27/2022	<u>i</u> <u>29</u>	NOTICE OF LODGING filed re Amendment (Motion related), <u>23</u> (Straus, Alex) (Entered: 12/27/2022)
12/29/2022	<u>i</u> <u>30</u>	NOTICE of Appearance filed by attorney Tamara A Bush on behalf of Defendant Harley–Davidson Motor Company Group, LLC (Attorney Tamara A Bush added to party Harley–Davidson Motor Company Group, LLC(pty:dft))(Bush, Tamara) (Entered: 12/29/2022)
01/03/2023	<u>i</u> <u>31</u>	STIPULATION to Waive Service and Stay of Proceedings filed by Plaintiff Edward Heymer. (Attachments: # <u>1</u> Proposed Order ProposedOrder–JointStipReWaiverOfService)(Straus, Alex) (Entered: 01/03/2023)
01/05/2023	<u>i</u> <u>32</u>	ORDER ON JOINT STIPULATION REGARDING WAIVER OF SERVICE AND STAY OF PROCEEDINGS by Judge Andre Birotte Jr.: Upon Stipulation <u>31</u> , the Court hereby ORDERS that Defendant Harley Davidson Motor Company Group, LLC waives service of the summons and complaint in satisfaction of the requirements of Fed. R. Civ. P. 4(d). All proceedings with respect to this Action shall be stayed, including the time for Defendant to answer or otherwise respond to the Complaint, which shall be stayed until further order of this Court or, if different, the transferee court, in light of the motions to transfer and consolidate for pretrial proceedings all Related Actions ("Motions") pending before the United States Judicial Panel on Multidistrict Litigation ("JPML"). Following the resolution by the JPML of the Motions, or the withdrawal of all pending Motions, Plaintiff and Defendant shall meet and confer in good faith to attempt to agree to a stipulated schedule for Defendant to answer or otherwise respond to the Complaint and, if appropriate, a briefing schedule with respect to any motions filed pursuant to Fed. R. Civ. P. 12. See document for further details. (gk) (Entered: 01/06/2023)
02/10/2023	<u>i</u> <u>33</u>	Transfer Order from the United States Judicial Panel on Multidistrict Litigation, MDL 3064, transferring case to USDC, Eastern District of Wisconsin and assigned to Honorable William C. Griesbach. Case transferred electronically. (MD JS–6. Case Terminated.) (gk) (Entered: 02/10/2023)